

REMARKS

Claims 1 and 3 to 12 are in the application.

As a result of the foregoing amendment, the subject matter of claim 2 has been included in claim 1.

With respect to the rejection of the claims under 35 U.S.C. 112, second paragraph, the Examiner will note that claim 1 has been amended to remove the terminology considered indefinite by the Examiner.

Accordingly, withdrawal of this rejection is respectfully requested.

Reconsideration and withdrawal of the rejection of claims 1, 2, and 8 under 35 U.S.C. 102(a) as being anticipated by Reihl, are also respectfully requested.

Applicant respectfully points out that the reference does not show the possibility of partially opening the roof part

which extends from an area adjacent to the wind shield frame to a rear roof part. In accordance with the claims of the present application, this part is the front roof part which is movable. Rather, the reference only shows the possibility of partially opening the rear roof part which extends rearwardly from the roof part and from the front roof part to the motor vehicle chassis.

Even this rear roof part cannot be opened in such a way that its rear portion could be opened over its entire width, while the front portion of this roof part remains in a position of rest. Rather, in the position of rest of the front portion only an element which is in the middle as seen in the transverse direction of the vehicle can be opened. This element is the rear window. The edge portions of the roof part which are located transversely outside of this rear roof portion, i.e., the C-columns, remain even in their position of rest.

In accordance with the portion of claim 2 which has now been included in claim 1, the present invention is directed to a roof part whose rear portion can be raised, while the front portion remains in a closed position, wherein this rear portion

extends over the entire width between the side windows; in other words, the raisable rear part can also be raised over its entire width.

As used in the present application, the word raised means with respect to the rear part of the roof that this roof part is movable upwardly and outwardly of the roof contour, while "raising of the rear window 22" in accordance with Reihl only constitutes a displacement within the roof contour; in other words, the roof in Reihl is not raised but is moved forwardly. These two functions are clearly differentiated in roofs which can slide or be raised.

Raising of the rear roof part according to the present invention also results in a spoiler function, so that the wind during travel is moved above the roof, without impinging underneath the roof. This is entirely different as compared to the reference, where the open position of the rear window would cause the air roll or turbulent flow to impinge above the trunk cover.

Accordingly, it is clear from the above that claim 1 as amended is patentable over the reference relied on by the Examiner.

The reference to U.S. Patent 6,742,829 has been cited against claims 4 and 9. Applicant submits that this reference also does not indicate the possibility of opening the rear window during travel. Rather, it appears that this movement can only take place when the roof opening is completely open. Consequently, the possibility of a "ventilation opening" can also not be seen. It is to be noted that the reference does not deal with the "air flow attach surface".

In summary, it is submitted that it is clear that claim 1 as amended is novel because, in accordance with this claim 1, the front roof part can be opened at its rear portion. In other words, it is not the rear roof which is opened.

Applicant respectfully submits that other features of the present invention which distinguish over the prior art is the fact that the opening of the roof extends over the entire width

and raising of the rear portion of the front roof part takes place from the roof contour. In addition, the ventilation opening according to the present invention is open during travel and a partial opening is provided in a roof part, wherein this roof part is covered by a cover. It is submitted that the fact that the Examiner contents that other references already show flexible covers is immaterial with respect to the feature according to the present invention that the rear portion of the front roof part is raised while the other part of the roof remains closed.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

F K

Friedrich Kueffner
Reg. No. 29,482
317 Madison Avenue
Suite 910
New York, N.Y. 10017
(212) 986-3114

Dated: January 24, 2008

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on January 24, 2008.

By: _____

F K
Friedrich Kueffner

Date: January 24, 2008